

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION**

JOHN DOE

Plaintiff,

vs.

UNIVERSITY OF SOUTHERN
INDIANA

Defendant.

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Cause No. 3:21-cv-144-TWP-MPB

DECLARATION OF BETH DEVONSHIRE

I, Beth Devonshire, declare under the penalty for perjury that:

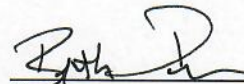
1. My name is Beth Devonshire, and I am an adult resident of the State of Massachusetts. I have personal knowledge of the facts stated in this Declaration.
2. I am currently employed by the University of Southern Indiana as the Interim Title IX Coordinator.
3. I have reviewed Plaintiff's Reply Brief in Support of Motion for Preliminary Injunction, (DE 75) filed on November 15, 2021. In my review, I noted the contention that "USI's Decision Makers advanced a knowingly false evidentiary statement." (DE 75 at p. 6). The stated rationale is, "the Decision Makers had not been provided the exculpatory Tik Tok video." (DE 75 at p. 7). This allegation is new to me. The term "Decision Makers" apparently refers to the three individuals who presided over the panel hearing and rendered a responsibility determination, including lead Hearing Officer Karen Nutter.
4. Plaintiff's allegation that Hearing Officer Karen Nutter lied about receipt and possession of the TikTok video is false. At 2:07 p.m. (CT) on August 3, 2021 (the day before the

August 4 hearing) I emailed the TikTok video to Hearing Officer Karen Nutter to the following email address: karen@grandriversolutions.com.

5. Plaintiff's contentions that I "intentionally concealed and suppressed evidence" and that USI manufactured a deadline as to Jane's written response deadline are false. (DE 75 at pp. 1, 3). I imposed a deadline of September 9, 2021 for Jane to submit a written response to John's written appeal and I notified John of this deadline on September 2, 2021. (See DE 79-1 at p. 1). Jane missed her deadline and I determined to enforce the stated deadline because I had no reason not to, and enforcement of Jane's deadline was a neutral outcome. Before ever receiving Jane's untimely response, I contacted Jane to inform her she missed her deadline to submit a response to John's appeal.

I declare under the penalty of perjury that the foregoing statements are true and correct.

Dated this 29th day of November, 2021



Beth Devonshire